



APR 02 2008

UNITED STATES DISTRICT COURT
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

WESTERN DISTRICT OF WASHINGTON

ANTHONY EUGENE LEWIS
(Name of Plaintiff)

No. C07-1517-MJP-MJB

vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

CITY OF SEATTLE,

SEATTLE POLICE DEPT
GIL KERLIKOWSKIE, A SEATTLE POLICE CHIEF
SEARGANT HADWARD, A SEATTLE POLICE OFFICER
MICHAEL TIETJEN, A SEATTLE POLICE OFFICER
JAMES LEE, A SEATTLE POLICE OFFICER
KERRY ZIEGER, A SEATTLE POLICE OFFICER
(Names of Defendants)

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner:

☒ Yes ☐ No

B. If your answer to A is yes, how many?: 2 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff ANTHONY E. LEWIS
Defendants N/A

2. Court (give name of District)

N/A

3. Docket Number

N/A

4. Name of judge to whom case was assigned

N/A

5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)

dismissed with prejudice

6. Approximate date of filing lawsuit

N/A

7. Approximate date of disposition

N/A

II. Place of Present Confinement: Washington STATE PENITENTIARY, 1313 N. 13TH AVE, WALLA WALLA, WA, 99362

A. Is there a prisoner grievance procedure available at this institution? ☐ Yes ☐ No

B. Have you filed any grievances concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is NO, explain why not The only complaint resolved

C. Is the grievance process completed?

☒ Yes ☐ No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

N/A

III. Parties to this Complaint

A. Name of Plaintiff: Anthony E. Lewis

Inmate No.: 986577

Address: WASHINGTON STATE PENITENTIARY, 1313 N. 13TH AVE, WALLA WALLA, WA, 99362

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant Gil Kerlikowske; official position Chief of Police; place of employment Seattle Police Dept.

C. Additional defendants Michael Tietjen, a Seattle Police officer, for Seattle Police Dept,
James Lee, a Seattle Police officer, for Seattle Police Dept, Kerry Zieger, a Seattle Police officer, for
Seattle Police Dept, Chief of Police G. L. Kerkowicz, Seattle Police Sgt, Hazard, City of Seattle, Seattle
Police Department, Office of Professional Accountability.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

(BACKGROUND FACTS)

On March 10, 2005 around 8:50 AM Anthony E. Lewis and Lonnie Lee McClure were
in Seattle walking on a public side walk near Belltown neighborhood. A Seattle Police
Department (SPD) Van drove by Mr. Lewis and Mr. McClure. The three SPD officers James Lee
Michael Tietjen and Kerry Zieger are believed to have been inside the SPD van. The officers
in the van looked at Mr. Lewis and Mr. McClure as they drove by. Mr. Lewis and Mr. McClure continued
walking down the street. Near by a group of homeless people were standing on the corner.

The SPD police van drove by again. One of the SPD officers in the van yelled out the window
at Mr. Lewis and Mr. McClure to remove their hands from their pockets. Mr. Lewis told
the officer he did not have probable cause to order them to remove their hands from their pockets.

Mr. Lewis and Mr. McClure continued walking with their hands in their pockets. At no time
did Mr. Lewis or Mr. McClure threaten the officers or act suspiciously or commit a crime
in the officers presence. Officer Lee stopped the SPD van and defendants Lee, Tietjen and
Zieger got out. Officer Tietjen and Lee ordered Mr. Lewis to remove his hands from his
pockets while Zieger detained Mr. McClure. Mr. Lewis responded by telling the officers they
had no probable cause to stop him and order him to remove his hands from his pockets.

He walked away from the officers. Mr. Lewis made no threatening gestures. Officer
Tietjen used force to stop Mr. Lewis. Officer Tietjen punched Mr. Lewis in the head and tackled
Mr. Lewis down to the sidewalk. As Mr. Lewis lay face up on the sidewalk Officer
Tietjen put his hands around Mr. Lewis neck and began choking Mr. Lewis while
ordering him to remove his hands from his pockets. Officer Lee punched Mr. Lewis twice
in the testicles and penis while ordering him to remove his hands from his pockets.

Mr. Lewis told the defendant officers they had no probable cause to hurt him. As a
result of defendant Tietjen choke hold Mr. Lewis lost consciousness and the officers were
then able to pull Mr. Lewis hand free from his coat pocket and discover he was in possession
of drugs. Mr. Lewis and Mr. McClure were both arrested at the scene. At no time leading up
to or during the officer's stop, assault and battery of Anthony Lewis and Lonnie Lee McClure
were they disorderly or a threat to the safety of themselves or others.

Mr. Lewis asked the officers to take him to the hospital and to speak with their supervisor.
The officers refused and stated to Mr. Lewis he needed to shut up he was not a jail

house lawyer and the only way he was not going to jail is if he died.

The SPD took Mr Lewis and Mr McClure both to the station house in separate vehicles. At the station house Mr Lewis had a seizure and fell to the floor. The SPD officers gathered around together laughing and Mocking Mr Lewis and refused to help him.

Eventually the fire Department and ambulance arrived and advised SPD to take Mr Lewis to the hospital. Defendant Seattle Police Officers Lee and Tietjen took Mr Lewis to Harborview Medical Center. At the hospital the emergency room doctors and staff treated Mr. Lewis for his injuries related to his testicles and penis. He had bruising under his eye a swollen testical and wrist injury.

The SPD officers booked Mr. Lewis into Seattle, King County Correctional Facility for a 72 hour investigation for violation of the uniform controlled substance Act. On March 12, 2005 Mr. Lewis was released from King County Jail pending the filing of charges. After treatment at Harborview Medical Center. Of 2006 Mr. Lewis primary care physician continued to treat Mr. Lewis to his injuries to his testicals and penis and perinneal pain and and advised Mr. Lewis, he would not be able in the future to father children.

Mr. Lewis at the time of the assault and battery was single and without having fathered children.

Mr. Lewis was publicly humiliated. He was in pain after being punched in the head, tackled, punched in the testicals and penis and pinned to the ground by SPD officer(s).

On or about October, of 2005 plaintiff was summoned to appear in King County Superior Court in order to be formally arraigned on felony violation of the Uniformed controlled substance Act under cause No. 05-1-04086-0 SEA. On December 5, 2005, based on

defendant(s) Tietjen, Lee and Zieger testimony and incident reports Mr. Lewis was found guilty. On December 6, 2005 a day after the Court denied Mr. Lewis 3.6 motion and found him guilty in a stipulated fact's trial. Officer James Lee, contacted the prosecutor and revealed he had committed perjury under oath on 12-5-05 during Mr. Lewis trial. During Mr. Lewis trial Officer Lee, was asked twice on direct examination whether or not anyone hit, kicked or punched Mr. Lewis during the arrest, Officer Lee, twice replied no!

However, after officer Lee, testimony and Mr. Lewis guilty finding, Lee went back and reviewed a use of force statement and revealed to the prosecutor that he had in fact punched Mr. Lewis, in the pelvic area of his body twice.

Based on newly discovered evidence of Officer Lee's statement to the prosecutor and Court and Mr. Lewis counsel, along with a signed affidavit by Dorothy McClure who is Lonnie Lee McClure's, mother, stating: Mr. McClure's admission having been a witness who was along side Mr. Lewis, while they were unlawfully stopped, detained by defendant's Officer(s) Michael Tietjen, James Lee, and Kerry Zieger and Mr. Lewis was forced to remove his hands from his pockets for no reason by a use of force of assault and battery. In which they were both arrested and handcuffed and taken to the precinct in separate vehicles and Mr. McClure was ultimately released hours later from the police precinct.

Mr. Lewis, based on newly discovered evidence was granted a mistrial on April 28, 2006. On May 12, 2006 Mr. Lewis, was unlawfully summoned to re-appear in King County Court to be formally re-arraigned for violation of the uniformed controlled substance Act under the same case #05-1-09086-0 SEA based on the March 10, 2005 incident.

On October 3, 2006, Mr. Lewis, felony criminal case under cause No. 05-1-09086-0SEA, was dismissed with prejudice. Based on a lack of Determination Of probable cause to Arrest, filed by Seattle police officer Micheal Tietjen. A local news paper reporter Mike Carter, from The Seattle Times, which featured on June 24, 2007 page A-11 (A suspected drug dealer claimed he was improperly stopped downtown, allegedly roughed up by two officers) and arrested. One of the two officers testified at trial no force was used in the arrest, even though his hand written incident report said force had been used. The next day, the officer disclosed his erroneous testimony to the prosecutor and judge, who declared a mistrial. Internal investigators decided the officers mistake was unintentional and should be handled as a "training issue." The officer received counseling from his supervisor. But records of the internal investigation obtained by The Times also showed that the other officer had arrested, handcuffed and released a second man who was at the scene, and failed to record that arrest in his report - disregarding the same department policy violated in the Patterson case. In this case, as in the Patterson case, that officer was "Micheal Tietjen.") Another local newspaper reporter Hector Castro of The Post Intelligence, featured, (A drug bust by two Seattle police officers that was recorded by a store surveillance camera continues to trouble some in the community, including the civilian auditor who reviewed an internal investigation into allegations of misconduct surrounding the arrest. This week, the FBI confirmed

that it has opened a routine inquiry into the case of Officer(s) Greg Neubert and "Mike Tietjen" to see whether they violated the civil rights of George Troy Patterson when they arrested him Jan 2, 2007. The charge against Patterson were later dropped, and the case received wide spread attention after prosecutors alerted several local defense lawyers that an internal investigation had been opened into the actions of the officers during the arrest. The Seattle Police Department's internal investigative unit, the Office of Professional Accountability, cleared the officers of charges that they used excessive force and planted drugs on Patterson. However, Neubert got a written reprimand and Tietjen a one-day suspension for failing to note in their police reports that they had handcuffed and detained a second man. (see Appendix-A)

Kate Pflaumer, the accountability office auditor who reviewed the case agreed with the main conclusion that the officers did not plant drugs on Patterson.

But she said Tuesday, she didn't find it credible that the officers simply forgot they had detained a second man and believes they purposely mislead investigators.) As in petitioner's case defendant's Tietjen, Lee and Zieger, failed to report they had stopped, detained, arrested, handcuffed and released Mr. Lewis Cousin, Connie Lee McClure, who was apparently at the scene, who could testify that Mr. Lewis, was not in any drug transaction as officer Micheal Tietjen, asserted in his Determination for Probable Cause to arrest Mr. Lewis.

Officer(s) Lee, failed to turn over cause of force reports to the prosecuting attorney and Mr. Lewis.

counsel prior to trial as a part of 4.7 discovery. It was Mr. Lewis, who produced his medical examination records during his trial as evidence of having been assaulted by officer(s) Tietjen and Lee, and having been treated at Harborview Medical Center for injuries related to bruising above his eye, head, wrist, penis and testical area from the assault and battery incident on March 10, 2005.

Officer Kerry Zieger, failed to include in his incident reports he had in fact held and detained Mr. Lewis, Cousin, Lonnie Lee McClure, who was apparently a witness at the scene. While officer(s) Tietjen and Lee, unlawfully used excessive force of assault and battery against Mr. Lewis, to force him to remove his hands from his pockets. In which, Zieger, aided and assisted handcuffing Mr. Lewis. All three officer(s) Tietjen, Lee, and Zieger, stated during trial Mr. Lewis, clearly exclaimed prior to their orders for Mr. Lewis, to remove his hands from his pockets. They the (police) didn't have probable cause to stop him, and he didn't need to comply with the direction being given to him. Mr. Lewis filed a separate claims for damages, with the city of Seattle, under claim # 76855 and claim # 77122, at the city clerks office, on May 12, 2006 and July 18, 2006, and filed a complaint with the Seattle Police Departments - Office of Professional Accountability on or about April of 2006.

Plaintiff, further contacted local agencies for support: The American Civil Liberty Union, The Seattle Human Civil Rights Office, The Public Defender, Racial Disparity Unit, The NAACP who documented and photocopied all corresponding documents, The Cochran foundation, of Los Angeles, California, and The Cochran firm in Alabama, and local television and newspapers, such as The Seattle Times, who reporter Mike Carter

featured plaintiffs, unlawful arrest, and assault and battery on June 24, 2007, page A-11, (reference referred to page 6 of plaintiffs complaint.)

FIRST CLAIM

Defendant, The city of Seattle, a municipal corporation, in its official and individual capacity, acting under color of state law did violate plaintiffs, 1st, 4th, 9th, 10th, fourteenth Amendment rights. By negligence on the city of Seattle's behalf, to deprive plaintiff protection, under procedural due process, to have properly supervised the training or process requirements, applied to its hiring and supervision of its public officials or entities, under their structured, accordance, policy, custom and practice, for The City of Seattle's, Seattle Police Department - Office of Professional Accountability, Seattle Police Department's, Chief of Police, Gil Kerlikowske, Seattle, Police, Sgt. Hazard, Seattle Police Officer Micheal Tietjen, Seattle Police Officer James Lee, and Seattle Police Officer Kerry Zieger, in their official and individual capacities. In order, to insure Plaintiffs due process protection of rights, against a redress of grievances against the city of Seattle's, claims section, in (2) individual Complaints for Claims of Damages, filed with the city of Seattle's, city clerks Office, under claim #76855, on May 12, 2006, and claim #77122, filed on July 18, 2006, and in plaintiffs, First claim of facts, pertaining to a 42 U.S.C § 1983 Civil RIGHTS complaint under case # C07-1517-MJP-MJB, filed on 1-10-08.

SECOND CLAIM

Defendant, The city of Seattle, a municipal corporation, in its official and individual capacity, acting under the color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights. When the City of Seattle's claim section, (deprived plaintiffs right to a reasonable resolution) of Claims for Damages, under claim # 76855, filed on May 12, 2006 and claim # 77122, filed on July 18, 2006, pertaining to the March 10, 2005 incident. Plaintiff, (suffered from substantive and procedural due process) by the city of Seattle's claim section's, negligence, violation of its policy, custom and practice, to have investigated and evaluated all relevant supporting documents presented in plaintiffs advantage. For the purpose of recommending a reasonable resolution of plaintiffs claims, which would have resulted one of the city of Seattle's three alternatives: 1. Pay a sum of money. 2. Tender - transfer to another party or entity. 3. Deny - where there is no evidence of any negligence by the city.

THIRD CLAIM

Defendant, The city of Seattle, a municipal corporation, in its official and individual capacity, acting under the color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th Fourteenth Amendment rights. When the city of Seattle (deprived plaintiff procedural due process) by the city of Seattle's claim section, investigator assigned to claim # 76855, filed on May 12, 2006 and claim # 77122, filed on July 12, 2006; (as a petition) for the recovery of damages) against the government (being the local "city of Seattle") for a redress of grievances, occurring on March 10, 2005.

FOURTH CLAIM

Defendant, the city of Seattle, a municipal corporation, in its official and individual capacity, acting under the color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights. When the city of Seattle, deprived plaintiff the right to procedural due process (to pay a sum of money to plaintiff) applied by its policy, custom and practice. (1) Pay a sum of money. Upon the city of Seattle's, conclusive investigation of plaintiffs, claim for Damages filed with the city of Seattle, under claim # 76855 filed on May 12, 2005, and claim # 77122 filed on July 18, 2006, based on relevant supporting documents, of the March 10, 2005 incident.

FIFTH CLAIM

Defendant, the city of Seattle, a municipal corporation, in its official and individual capacity, acting under color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights. As a result of plaintiff (suffering) a loss of recovery of a sum of money, by the city of Seattle, depriving plaintiff of procedural due process under its policy, custom and practice, to pay a sum of money to plaintiff, upon finding evidence of any negligence by the city. The city of Seattle caused plaintiff harm by depriving him a right to just compensation for damages sustained over a period of time beginning from March 10, 2005.

SIXTH CLAIM

Defendant, Seattle Police Department - Office of Professional Accountability in their official and individual capacity, acting under color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights. By negligence on the part of the Seattle Police Department - Office of Professional Accountability, for depriving

plaintiff's rights to substantive due process, protection applied by its policy, custom and practice for a fair and impartial internal investigation. Plaintiff, filed a complaint with the office of professional Accountability on or about May of 06, seeking an investigation into an assault and battery, false arrest, imprisonment and malicious prosecution by the Seattle Police Department, on March 10, 2005. A Lt. Micheal Kebba, held an in house interview with plaintiff, concerning his allegations, and responded by letter on 5-25-05 of its departments intention for a fair and impartial facts and findings for its conclusions, of plaintiffs, allegations. The Seattle Police Department - office of Professional Accountability, decision was arbitrary and capricious, in its conclusion of facts and findings, that the officers act of assault and battery against plaintiff was a mistake and unintentional and should be handled as a "training issue" and not a constitutional violation of plaintiffs, 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights, against racial profiling against a particular group or persons.

SEVENTH CLAIM

Defendant Gil Kerlikowsky, a Seattle Police Chief in his official and individual capacity, acting under color of state law, did violate plaintiffs, 2nd, 4th, Ninth and fourteenth Amendment rights of substantive and procedural due process by using his position as supervisor, as an abuse of power by arbitrarily depriving plaintiff, from receiving a fair and impartial facts finding and conclusion into the internal investigation, he influenced by commanding that officer(s) Micheal Tieljen, James Lee and Kerry Ziegler, mistake, of unlawful probable cause to stop detain, assault and battery, false arrest and imprisonment of plaintiff, on March 10, 2005, should be treated as a training issue and not as an act of racial profiling against a particular group of persons.

EIGHTH CLAIM

Defendant, City of Seattle, in its official

and individual capacity, acting under color of law, did violate plaintiff's first, fourth, 8th, 9th, 10th, fourteenth Amendment rights by which the city of Seattle, failed to properly screen the training procedures, to have anticipated the prevention of officer(s) Tietjen, Lee and Ziegers, mistake, of unlawful probable cause to stop, detain, assault and battery, false arrest and imprisonment, and failure to include use of force reports, and witness arrest reports, disregarding Seattle Police Dept. policy, applied to plaintiff on March 19, 2005. According to the city of Seattle's, Police Department, internal investigation unit - Office of Professional Accountability, investigative conclusion, officer(s) Tietjen, Lee, and Ziegers, unlawful conduct was a "mistake" and should be treated as a training issue, and the city of Seattle's, city clerks office claims section, failure of due process to resolve plaintiff claim under #76855 and #77122, by providing plaintiff a reasonable resolution.

NINTH CLAIM

Defendant, Sgt. Hazard, in his official and individual capacity, acting under color of state law did violate plaintiff's 1st, 4th, 8th, 9th, 10th and fourteenth Amendment right to receive immediate medical attention after having been unlawfully assaulted and falsely imprisoned at the police precinct by officer(s) Tietjen, Lee and Zieger.

Defendant Sgt. Hazard, along with a camera in hand, approached plaintiff, who had been held over a period of time in handcuff restraints, sitting on the floor of a glass observation cell.

Defendant Sgt. Hazard, approached Mr. Lewis and asked was it true he had been assaulted by his officer(s) - meaning Tietjen and Lee. Plaintiff, replied yes and that he needed to go to the hospital,

Defendant Sgt. Hazard, stated to plaintiff, that first, Mr. Lewis would have to stand up and be photographed before taken to the hospital. Plaintiff, do to his injuries, relating to bruising above his eye, head, penis and testicals, from having been unlawfully assaulted and battered by co-defendants, Officer Tietjen and Lee; had a seizure and fell to the floor. Defendant, Sgt. Hazard, and other officer(s) gathered together around Mr. Lewis, and began laughing and Mocking Mr. Lewis, stating "what was he doing, it aint going to work - it aint going to work." and refused to help Mr. Lewis.

Eventually the fire Department and ambulance arrived and advised the Seattle police Department to take Mr. Lewis to the hospital.

Defendant Sgt. Hazard, personally participated in causing the harm alleged in this NINTH CLAIM, by his negligence to deprive Mr. Lewis, of life & liberty of immediate medical attention, on March 10, 2005.

TENTH CLAIM

Defendant's, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiffs, 1st, fourth, fifth, 8th, 9th, 10th and 14th Amendment rights. By disregarding Seattle Police Dept. policy of not having lawful probable cause, to stop, detain, and use excessive force of assault and battery to force Mr. Lewis, to remove his hands from his coat pockets, on March 10, 2005.

ELEVENTH CLAIM

Defendant's, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color state law did violate plaintiffs, first, fourth, fifth, 8th, 9th, 10th and 14th Amendment rights. When defendant's Tietjen, Lee and Zieger, disregarded Mr. Lewis, right to freely and peaceably assemble along side his cousin Lonnie Lee McClure, walking with their hands in their coat pockets. Defendants, ordered Mr. Lewis and his cousin to remove their hands from their coat pockets, for no apparent lawful reason.

When plaintiff, exercise freedom of speech to inform the officer(s) they did not have probable cause to tell them to take their hands out of their pockets.

Defendant(s): Tietjen, and Lee, used excessive force of assault and battery to unlawfully force plaintiff, to remove his hands, from his pocket's, on March 10, 2005.

TWELVTH CLAIM

Defendant's, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law, did violate plaintiffs, 1st, fourth, fifth, 9th, 10th and 14th Amendment rights.

When defendant's, Tietjen, Lee and Zieger, unlawfully and without probable cause, stopped and detained plaintiff from walking on a city of Seattle public sidewalk, on March 10, 2005.

THIRTEENTH CLAIM

Defendants, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiff's 1st, 4th, 5th, 8th, 9th, 10th, Fourteenth Amendment rights. When defendants, Tietjen, Lee and Zieger, unlawfully and without probable cause, seized plaintiff by excessive use of force, from freely and peaceably walking alongside his cousin Lonnie Lee McClure, on a City of Seattle public sidewalk on March 19, 2005.

FOURTEENTH CLAIM

Defendants, Seattle police officer(s) Micheal Tietjen, James Lee, and Kerry Zieger, in their official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 5th, 8th, 9th, 10th, Fourteenth Amendment rights. When defendants, Tietjen, Lee and Zieger, unlawfully and without probable cause, arrested plaintiff, by excessive use of force, from freely and peaceably walking alongside his cousin Lonnie Lee McClure, on a City of Seattle public sidewalk on March 19, 2005.

FIFTEENTH CLAIM

Defendant's, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 5th, 8th, 9th, 10th, and Fourteenth Amendment rights. When defendants

Tietjen, Lee and Zieger, unlawfully and without probable cause, falsely imprisoned plaintiff, at the Seattle police precinct, on March 10, 2005.

SIXTEENTH CLAIM

Defendants, Seattle police officer(s) Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiff, 1st, 4th, 5th, 8th, 9th, 10th and 14th Amendment rights. When defendant's unlawfully and without probable cause, used excessive force of assault and battery against plaintiff.

Defendant's, deprived plaintiff, immediate medical attention by transporting plaintiff, to the nearest hospital for treatment for his injuries related to their unlawful assault and battery. Defendant's, Tietjen, Lee and Zieger, transported plaintiff, to the Seattle police precinct and falsely imprisoned him, inside a glass see through holding cell for a period of time.

Plaintiff, had a seizure do to having been deprived immediate medical attention on the floor of the precinct. Eventually the fire department and ambulance arrived and advised the Seattle police department to take plaintiff to the hospital, on March 10, 2005.

SEVENTEENTH CLAIM

Defendant's, Seattle police officers, Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law did violate plaintiff, 1st, 4th, 5th, 8th, 9th, 10th and 14th

Amendment rights. When defendant's Tietjen, and Lee, took plaintiff, to the hospital, only after the fire department and ambulance arrived at the precinct to treat plaintiff, who having been deprived immediate medical treatment, due to the officers assault and battery, had a seizure and fell to the floor and the ambulance team who arrived advised the Seattle police department to take Mr. Lewis to the hospital, on March 10, 2005

EIGHTEENTH CLAIM

Defendant's, Seattle police officers, Tietjen, Lee and Zieger in their official and individual capacity acting under color of state law did violate plaintiff's, first, fourth, fifth, 8th, 9th, 10th, and 14th. Amendment rights. When defendant's, Tietjen, Lee and Zieger, unlawfully and without probable cause, falsely imprisoned plaintiff, into the King County Jail Correctional facility after plaintiff, was treated at Harborview medical center, for injuries related to the officer(s) assault and battery. Plaintiff, was unlawfully and without probable cause, held under 72 hours investigation for violation of uniformed controlled substance Act, on March 10, 2005.

NINETEENTH CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee, and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiff's 1st, 4th,

fifth, 8th, 9th, 10th, and 14th Amendment rights. When defendants Tietjen, Lee and Zieger, unlawfully and without probable cause, did initiate a malicious prosecution against plaintiff by indictment for a violation of uniform Controlled Substance Act based on false incident reports that failed to detail having arrested plaintiff's cousin Lonnie Lee McClure as a witness on 3-10-05.

TWENTIETH CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law, did violate plaintiff's, 1st, 4th, fifth, 8th, 9th, 10th, fourteenth Amendment rights. When defendants, Tietjen, Lee and Zieger, unlawfully and without probable cause, falsely asserted in their incident reports to the King County prosecuting attorney's office, plaintiff, was engaged in a drug transaction on March 10, 2005, as Determination for probable cause to arrest plaintiff.

TWENTYFIRST CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law did violate plaintiff's, 1st, 4th, fifth, 8th, 9th, 10th, and 14th Amendment rights. When defendants, Tietjen, Lee and Zieger, unlawfully deprived plaintiff, due process, by failing to include plaintiff's cousin, Lonnie Lee McClure, as a witness, who was arrested while walking alongside plaintiff on March 10, 2005, who

was apparently at the scene, stopped, detained, arrested and transported to the precinct in a separate vehicle. Mr. McClure, as a witness, who was also falsely arrested, would have testimony relevant to the fact plaintiff, was not engaged in a drug transaction as officers, Tietjen, Lee and Zieger, falsely asserted in their reports.

TWENTYSECOND CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law, did violate plaintiff's fourth, fifth, 8th, 9th, 10th, and fourteenth Amendment rights. When defendants Tietjen, Lee and Zieger, provided false evidence testimony against plaintiff at his unlawful trial, defendants, falsely asserted plaintiff, was engaged in a drug transaction, as their determination for probable cause to arrest plaintiff, and denied having arrested plaintiff, cousin Connie Lee McClure, as a witness, included in their asserted incident reports, on March 10, 2005.

TWENTYTHIRD CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee, and Kerry Zieger, in their official and individual capacity, acting under color of law did violate plaintiff's fourth, fifth, 8th, 9th, 10th and 14th Amendment rights. When plaintiff, unlawfully and without probable cause, to stop, detain, and arrest plaintiff, in order to falsely indict plaintiff, for violation

of a uniformed controlled substance Act, on March 10, 2005. Defendant's, Tietjen, Lee and Zieger, cause harm to plaintiff, by having him falsely imprisoned by complaint in King County Superior Court, on or about October 08, 05 to be formally arraigned, based on defendant's false evidence and trial testimony in which the magistrate based it's findings and facts upon it's conclusions to find plaintiff, guilty on 12-5-05, for unlawfully committing a felony of violation of a uniformed controlled substance Act, in the city of Seattle, against the peace and dignity of the citizens of the state of Washington.

TWENTYFOURTH CLAIM

Defendant's, Seattle police officers, Micheal Tietjen, James Lee, and Kerry Ziegers, in their official and individual capacity acting under color of state law did violate plaintiff's fourth, fifth, 8th, 9th, 10th, and 14th Amendment rights. When defendants, Tietjen, Lee and Ziegers, unlawfully and without probable cause, gave supporting false evidence testimony at trial to intentionally and maliciously cause harm to plaintiff to a end result of plaintiff's conviction on December 5, 2005, Based on plaintiff having been unlawfully and without probable cause, stopped, detained, assaulted and battered, forced to remove his hands from his pockets, searched, seized, arrested, imprisoned, indicted, summoned to stand trial against having committed a felony on March 10, 2005.

TWENTYFIFTH CLAIM

Defendant's, Seattle police officers, Micheal Tietjen, James Lee and Kerry Zieger in their official and individual capacity acting under state law did violate plaintiff's —

fourth, fifth, EIGHTH, NINTH, TENTH, AND, 14TH Amendment rights. When during plaintiffs trial on December 5, 2005, defendants Tietjen, Lee and Zieger, gave false evidence testimony that no excessive use of force had been used against plaintiff, in the course of plaintiffs, unlawful and without probable cause to arrest and false imprisonment plaintiff, under 72 hour investigation, for a violation of a uniformed controlled substance Act, in King County Correctional Facility on March 10, 2005.

TWENTYSIXTH CLAIM

Defendants, Seattle police officers, Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiffs, fourth, fifth, 8TH, 9TH, 10TH and 14TH Amendment rights. When defendants Tietjen, Lee and Ziegers, unlawful and false evidence testimony and testimony that no excessive force was used against, Mr. Lewis, at his trial, was used as a basis for the magistrates conclusion to convict Lewis on December 5, 2005.

TWENTYSEVENTH CLAIM

Defendants, Seattle police officers, Micheal Tietjen, James Lee and Kerry Zieger in their official and individual capacity, acting under color of state law did violate plaintiffs fourth, fifth, 8TH, 9TH, 10TH, 14TH Amendment rights. When defendants Tietjen, Lee and Ziegers, false evidence testimony used to convict plaintiff, at trial on December 5, 2005, was overturned on April 28, 2006, by the Honorable Judge Douglas North, granting plaintiff a mistrial, based on newly discovered evidence provided by officer Lee, to the prosecuting attorney's office.

TWENTYEIGHTH CLAIM

Defendants, Seattle police officers Michael Tietjen, James Lee, and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiffs 4th, 5th, 8th, 9th, 10th, Fourteenth Amendment rights. When defendants unlawfully and without probable cause to arrest and imprison plaintiff, was used to convict plaintiff at trial. Evidence of plaintiff medical records were admitted as evidence against officers Tietjen, Lee and Zieger, having used excessive use of force, of assault and battery on March 10, 2005. Officer Lee, on direct examination by the state was twice asked while he was under oath did anyone hit, or kick, Mr. Lewis, in the testicals during his arrest? Defendant Lee, is recorded on record, stating No, on two separate questioned times.

TWENTYNINTH CLAIM

Defendants, Seattle police officers Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity, acting under color of state law did violate plaintiffs fourth, fifth, 8th, 9th, 10th, 14th Amendment rights. When defendants Tietjen, Lee, and Zieger, unlawfully and without probable cause to arrest and imprisoned plaintiff to an indictment. Felony violation of a Uniformed controlled Substance Act on March 10, 2005. In which defendants, Tietjen and Lee, provided false testimony and incident reports used to convict plaintiff on December 5, 2005. Officer, Lee, one day after the trial court convicted plaintiff, he contacted the prosecuting attorney's office on 12-6-05 at 10:30 Am, and informed the prosecuting attorney Gabrielle Dickerman that during plaintiffs trial yesterday he had in fact

committed perjury by giving incorrect evidence relating to the questions asked twice to him on re-direct examination "did anyone punch, or kick, plaintiff in the testicals?" Or prior to the struggle, in order to get plaintiff, to open his hand, did anyone hit or kick plaintiff in anyway?"

Defendant, Lee, twice replied, "No!" However, defendant Lee's, conversation, to the prosecuting attorney Gabrielle Dickerson, Lee, admitted having punch plaintiff twice in his pelvic area after having reviewed a use force report that was not in his possession or had not been provided to plaintiff's defense in time for trial.

THIRTIETH CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law, did violate plaintiff's 4th, 5th, 6th, 9th, 10th, 14th

Amendment rights. By defendants (Tietjen, Lee, and Zieger), engaging in unlawful conduct intentionally designed to cause harm to plaintiff, being indicted by incident on 3-10-05 resulting plaintiff's conviction on 12-8-05, based on the defendants misleading trial testimony, incident reports, and non-existence incident reports, used to convict plaintiff. Defendant, Lee, deprived plaintiff, of due process of 4.7 discovery, of use of force incident reports during trial.

Plaintiff was thus harmed by defendant Lee, from the right and use of evidence, such as the use of force incident reports, at trial, in order to have the right to be able to have impeached defendant Lee's, trial testimony under oath, of having answered No, under re-direct examination, as to whether or not he, or anyone, hit or kicked Mr. Lewis, in the testicals, on March 10, 2005.

THIRTY FIRST CLAIM

Defendant's

Seattle police officers Micheal Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law did violate plaintiffs, fourth, fifth, sixth, 9th, 10th, 14th. Amendment rights.

By engaging in unlawful conduct intentionally designed to cause harm to plaintiff trial on 12-5-05, which resulted the trial court setting aside plaintiffs conviction by fault of a mistrial based on on newly discovered evidence presented by prosecuting attorney Gabrielle Dickerman, to the trial court and by plaintiffs attorney of a signed Declaration provided by plaintiffs aunt, who is, Connie Lee McClure, mother, Dorothy McClure, stating on the morning of March 10, 2005, my son (Lannie McClure) returned to my home at about 5 am. He was visably shaken and crying.

I asked him what was wrong and he stated that he was walking with his cousin (Anthony Lewis). He told me that they were going to buy a soda pop at the store.

He told me that the cops had been messing with them and following them. He told me that they made Anthony take his hands out of his pockets and were stopping him for no reason. He told me they were both handcuffed and taken in custody. He showed me the visable red marks from where the cuffs had been on his wrists. The officers had told my son not to go down town again no matter what and threatened him.

Since this time my son has not been able to visit me out of fear. Signed in Seattle Wa, on the 27th day of March, 2006.

Defendants, Tietjen, Lee and Ziegers, false indictment caused plaintiff, suffering, on May 12, 2006, to be further held to answer in person, to be subjected for the same offense of violation of a uniformed controlled substance Act, under cause

No. 05-1-09086-0 SEA, based on the March 10, 2005 incident, To be twice put in jeopardy of, life or liberty, or compelled in any criminal case to be a witness against himself, while having been unlawfully deprived of life, or liberty without due process of law.

THIRTY SECOND CLAIM

Defendants, Seattle police officers, Michael Tietjen, James Lee and Kerry Zieger, in their official and individual capacity acting under color of state law, did plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights.

By engaging in unlawful conduct intentionally designed to cause plaintiff harm, that resulted a King County Superior Court Judge, to act in the interest of justice On October 3, 2006, that defendant Seattle Police Officers, Tietjen, Lee and Zieger unlawfully lacked lawful, Determination for probable cause to have legally and lawfully stopped, detained, searched, seized, arrested, imprisoned and indicted plaintiff.

Requiring the Court on 10-3-06, in the interest of justice to dismiss plaintiff's unlawful information, of having committed a violation of a Uniformed Controlled Substance Act, under cause No. 05-1-09086-0 SEA with prejudice, Based on the March 10, 2005 incident

THIRTY THIRD CLAIM

Defendant, Seattle police officer, Michael Tietjen, in his official and individual capacity, acting under color of state law, did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th Fourteenth Amendment rights. By unlawfully engaging in conduct intentionally designed to harm plaintiff, by filing a use of force incident report, after unlawfully stopping and detaining plaintiff on 3-10-2005, by excessive use of force of assault and battery. When defendant, Tietjen, ordered plaintiff to remove his hands from his pockets and plaintiff refused, stating officer Tietjen did not have probable cause to stop him, or order him to comply.

(34TH CLAIM)

Defendant Seattle police officers, Micheal Tietjen, in his official and individual capacity acting under the color of state law, did violate plaintiffs, 1st, 4th, 8th, 9th, 10th, 14th Amend. rights, by excessive force against Lewis, by punching Mr. Lewis, in the head and tackling plaintiff down to the city of Seattle's public sidewalk.

As plaintiff lay face up on the city of Seattle's public sidewalk, defendant Tietjen put both his hands around plaintiffs, neck and began choking Mr. Lewis, while ordering plaintiff to remove his hands from his pockets.

(35TH CLAIM)

Defendant Seattle police officer, Micheal Tietjen, in his official and individual capacity acting under color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights, by forcibly removing plaintiffs, hands from his coat pocket and pried open his fingers.

(36TH CLAIM)

Defendant Seattle police officer, Micheal Tietjen, in his official and individual capacity acting under color of state law, did violate plaintiffs, 1st, 4th, 8th, 9th, 10th, 14th Amend by unlawfully denying Mr. Lewis, due process after an unlawful assault and battery. Defendant Tietjen refused plaintiff, immediate medical attention, relating to his injuries inflicted by the Seattle police, but instead stated to Mr. Lewis, while in the police van, in transport to the Seattle police precinct, that plaintiff, needed to shut up, he was not a jail house lawyer, and that the only way he was not going to jail, on March 10, 2005 was if, plaintiff, died.

(37TH CLAIM)

Defendant Seattle police officer, Micheal Tietjen, in his official and individual capacity acting under color of state law, violated plaintiffs, 1st, 4th, 8th, 9th, 10th, 14th Amend rights by depriving plaintiff immediate medical attention, to have prevented plaintiff, from having a seizure and falling to the floor while handcuffed at the precinct. Seattle police officers gathered around together laughing and mocking plaintiff and refused to help him. Eventually the fire Department and ambulance arrived and advised the Seattle police to take plaintiff to the hospital. Defendants Tietjen and Lee transported plaintiff, to Harborview medical Center. At the hospital emergency room, doctor Sumi Chandra, treated plaintiff.

for his injuries related to his testicles and penis. Plaintiff had bruising under his eye, a swollen testical, and wrist injury.

38TH CLAIM

Defendant, Seattle police officer, Micheal Tietjen, in his official and individual capacity, acting under color of state law, did violate plaintiffs 3rd, 4th, 8th, 9th, 10th and 14th Amendment rights. When defendant, Tietjen falsely imprisoned plaintiff, into The Seattle, King County Correctional Facility for a 72 hour investigation for a violation of a uniformed controlled substance Act, on March 10, 2005.

39TH CLAIM

Defendant, Seattle police officer, Micheal Tietjen, in his official and individual capacity, acting under color of state law, did violate plaintiffs 4th, 5th, 8th, 9th, 10th fourteenth Amendment rights, by instigating a malicious prosecution by false Determination for probable cause to arrest plaintiff, for a false criminal prosecution to be filed against plaintiff, asserting plaintiff was in violation of a uniformed controlled substance Act, under cause No. 05-1-09086-0SEA, based on the March 10, 2005 incident.

40TH CLAIM

Defendant Seattle police officer, Micheal Tietjen, in his official and individual capacity acting under color of state law, did violate plaintiffs 3rd, 4th, 5th, 8th, 9th, 10th, 14th Amendment rights, by maliciously and intentionally providing false trial evidence testimony and incident reports for the sole purpose to convict plaintiff at trial on December 5, 2005.

41ST CLAIM

Defendant's Seattle police officer Micheal Tietjen, in his official capacity acting under color of state law, did violate plaintiffs 1st, 4th, 5th, 8th, 9th, 10th, 14th Amendment rights, by engaging in unlawful conduct intentionally designed to cause harm to plaintiffs, trial by providing misleading trial testimony, in which plaintiff was entitled

to a mistrial, on 4-28-06, based on newly discovered evidence.

42ND CLAIM

Defendant, Seattle police officer, Micheal Tietjen, in his official and individual capacity, acting under color of state law, did violate plaintiffs, 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct, intentionally designed to cause plaintiff harm by providing misleading testimony against plaintiff, in incident reports, in which subjected plaintiff for the same offense to be twice put in jeopardy of life, or liberty and compelled in a criminal case to be a witness against himself at a May 12, 2006, re-arraignment under the same charge and cause No. 05-1-09086-0SEA, based on the March 10, 2005 incident.

(43RD CLAIM)

Defendant, Seattle police officer, Micheal Tietjen, in his official and individual capacity acting under color of state law, did violate plaintiffs, 1st, 4th, 5th, 6th, 8th, 9th, 10th, and 14th Amendment rights. Engaged in conduct, intentionally designed to cause plaintiff harm, that resulted a King County superior court judge, on 10-3-06, to act in the interest of justice, that defendant Seattle Police Officer Tietjen, unlawfully lacked lawful Determination for Probable cause to have stopped, detained, search, seized, arrested, imprisoned and indicted plaintiff on March 10, 2005. Thus, requiring the magistrate, in the interest of justice to dismiss plaintiffs charge with prejudice.

(44TH CLAIM)

Defendant, Seattle police officer, Micheal Tietjen in his official and individual capacity acting under color of state law did violate plaintiffs, 1st, 4th, 8th, 9th, 10th, 14th Amendment rights. By unlawfully engaging in conduct intentionally designed to cause harm to plaintiffs, from pain and suffering, emotional trauma, oppression of being racially profiled, and the long term effects of physical symptoms relating to plaintiffs

reproductive internal organs. In which plaintiff was regularly being treated at Harborview medical center. Plaintiff, underwent numerous medical exams and test relating to his penis and testicles, for penneal discomfort. Plaintiff, was examined and diagnosed as not being able to father child in the future as a result of his injuries. Plaintiff, at the time of his assault and battery was age 35, and without having fathered any children. Plaintiff, also was being treated at Seattle Mental Health, for post traumatic stress.

45TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff, 1st, 4th, 5th, 6th, 8th, 9th, 14th Amendment rights. By unlawfully engaging in malicious prosecution intentionally, designed to cause harm to plaintiff, without probable cause to have stopped and detained plaintiff on March 10, 2005, by excessive use of force, of assault and battery. While co-defendant, Tietjen, initiated a punch to plaintiff's head and then tackled him down to the city of Seattle's public sidewalk. As plaintiff, lay face up and spread eagled on the city of Seattle's public sidewalk, and co-defendant, Tietjen placed both his hands around plaintiff's neck and began choking plaintiff while ordering him to remove his hands from his pockets. Defendant Lee, punched plaintiff with a tremendous amount of force twice in the penis and testicles, while ordering him to remove his hands from his coat pockets.

46TH CLAIM

Defendant, Seattle police officer James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's, 1st, 4th, 8th, 9th, 10th, and 14th Amendment rights. By engaging in unlawful conduct intentionally designed to forcibly remove plaintiff's hands from his pockets and pried open plaintiff's fingers, by unlawfully and without probable cause, punching plaintiff repeatedly in the penis and testicles.

47TH CLAIM

Defendant Seattle police officer James Lee, in his official and individual capacity acting under color of state law did violate plaintiffs' 2nd, 4th, 8th, 9th and fourteenth Amendment rights. By unlawfully engaging in conduct intentionally designed to cause personal injury and harm to plaintiffs' rights, after an unlawful assault and battery, to have received immediate medical attention, relating to plaintiffs' injuries inflicted by the Seattle police. But instead officer Lee, stated to plaintiff, while in the police van in transport to the police precinct, that plaintiff, "needed to shut up, because he was not a Jail house lawyer and that the only way plaintiff was not going to jail, is if he died."

48TH CLAIM

Defendant Seattle police officer James Lee, in his official and individual capacity, acting under color of state law did violate plaintiffs' 2nd, 4th, 8th, 9th and fourteenth Amendment rights. By engaging in unlawful conduct intentionally designed to cause plaintiff harm from receiving immediate medical attention, to have prevent plaintiff from having a seizure and falling to the floor while handcuffed at the Seattle police precinct.

Seattle police officers gathered around together laughing and mocking plaintiff and refused to help him. Eventually the fire department and ambulance arrived and advised the Seattle police to take plaintiff to the hospital. Defendant's Lee and Tietjen, transported plaintiff to Harborview medical center. At the hospital emergency room, doctor Sumi Chandra treated plaintiff for his injuries related to his testicles and penis and bruising under his eye, a swollen testical and wrist injury, caused by officer(s) Tietjen and Lees, unlawful assault and battery.

49TH CLAIM

Defendant Seattle police officer James Lee in his official and individual capacity acting under color of state law did violate plaintiff's 2nd, 4th, 8th, 9th

10th, and 14th Amendment rights. By unlawfully engaging in conduct intentionally designed to wrongfully imprison plaintiff, into the Seattle, King County Correctional facility for a 72 hour investigation for a violation of a uniformed controlled substance Act, on March 10, 2005

50TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of law, did violate plaintiff's, 1st, 4th, 5th, 8th, 9th, 10th, and 14th Amendment rights. By unlawfully engaging in conduct intentionally designed to cause harm by misleading Seattle police Department incident reports for an unlawful criminal prosecution to be filed against plaintiff, asserting plaintiff was in violation of a uniformed substance Act, under cause No. 05-1-09086-0SEA, based on the March 10, 2005, incident.

51ST CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity acting under color of state law did violate plaintiff's, 4th, 5th, 8th, 9th, 10th, and 14th Amendment rights. Engaged in unlawful conduct intentionally designed to cause harm to plaintiff by misleading trial evidence testimony and incident reports, for the sole purpose to convict plaintiff at trial on December 5, 2005.

52ND CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity acting in the color of state law did violate plaintiff's, 1st, 4th, 5th, 6th, 8th, 9th, 10th, and 14th Amend rights. By engaging in unlawful conduct to intentionally cause harm by willful failure to turn over a use of force incident reports in which would have allowed plaintiff to cross examine and impeach officer Lee's, testimony during trial. Defendant Lee, was asked twice while under oath on re-direct examination, by prosecuting attorney Gabrielle

Dickerman, during plaintiff's trial on December 5, 2005.

"Did anyone hit or kick plaintiff, in the testicles during plaintiff's arrest?" Defendant Lee, is recorded on record stating "No," on two separate questioned times. VSP pg 84.

Line 15-19.

53RD CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's 1st, 4th, 5th, 8th, 9th, 10th, 14th Amendment rights. After plaintiff had been found guilty on December 5, 2005 based on defendant's Lee's, intentional and misleading testimony and incident reports, and willful failure to turn over a use of force report in favor of plaintiff's trial.

Defendant Lee, after plaintiff was wrongfully found guilty, re-contacted the prosecuting attorney Gabrielle Dickerman, at 10:30 AM on December 6, 2005 and stated, that during plaintiff's trial yesterday he had in fact committed perjury, by giving incorrect evidence relating to the question asked on re-direct examination.

Whether or not he or anyone hit or kicked plaintiff in the testicles, prior to the struggle in order to get plaintiff, to open his hand. Defendant Lee, replied No.

However, defendant Lee, stated to the prosecutor that after trial he had reviewed a use of force report that he had not wanted to disclose and failed to provide to plaintiff's defense in time for trial.

Defendant Lee, stated that he had in fact, did punch plaintiff twice in his pelvic area.

54TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th

10th, and 14th Amendment right. By engaging in unlawful conduct intentionally designed to cause harm and to deprive plaintiff from receiving due process to a fair and impartial trial under 4.7 discovery rules, to have turned over his written use of force incident report during (C.R. 4.7) under rules of discovery for plaintiff's preparation before trial.

55TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause harm to plaintiff by willful failure to write a incident report of having, stopped, detained, arrested and released plaintiff's, cousin Lonnie Lee McClure, who was being detained by co-defendant, Zieger, while defendant's, Tietjen and Lee, were assaulting plaintiff by forcing him to remove his hands from his coat pockets. Mr. McClure was a witness at the scene to plaintiff's unlawful assault, as was revealed through the Seattle's police internal investigation unit - The Office of Professional Accountability.

56TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's 4th, 5th, 6th, 8th, 9th, 10th, and 14th Amendment rights. Engaged in unlawful conduct, intentionally designed to cause harm to plaintiff trial on 12-5-05, which resulted plaintiff having been found guilty and the court having to set aside plaintiff's conviction on 4-28-06 by fault of a mistrial based on newly discovered evidence presented by prosecuting attorney Gabrielle Dickerman, to the trial court and by plaintiff's attorney, - having also provided a signed declaration, provided by plaintiff's, aunt, who is Lonnie Lee McClure's, mother, Dorothy McClure, stating: On the morning of March 19, 2005, my son (Lonnie McClure) returned

to my home at about 5am. He was visably shaken and crying. I asked him what was wrong and he stated he was walking with his cousin (Anthony Leaus). He told me that they were going to buy a soda pop at the store. He told me that the cops had been messing with them and following them. He told me that they made Anthony take his hands out of his pockets and were stopping him for no reason. He showed me the visable red marks from where the cuffs had been on his wrist. The officers had told my son not to go downtown again no matter what and threatened him. Since this time my son has not been able to visit me out of fear. Signed in Seattle, Wa, on the 27th day of March, 2006. Defendant Lee, deprived plaintiff of his due process from sufferage, of having been found guilty, and from further sufferage, of having plaintiff's mistrial on April 28, 2006, voided by having to appear on May 12, 2006 to answer in person to be subjected for the same offense of violation of a uniformed controlled substance Act, under the same cause No. 05-1-09086-0SEA based on the March 10, 2005 incident. To be twice put in jeopardy of life, or liberty or compelled in any criminal case to be a witness against himself, while having been unlawfully deprived of life, or liberty without due process.

57TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity acting under color of state law did violate plaintiff's, 1st, fourth, fifth, sixth, Eighth, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause harm to plaintiff, which, forced a king county superior court judge, for king county to act in the interest of justice on October 3, 2006

to determine defendant, Lee, Tietjen and Zieger, unlawfully lacked lawful Determination for Probable Cause to have stopped, detained, searched, seized, arrested, imprisoned and indicted plaintiff on March 10, 2005. Requiring the King County Superior Court to act in the interest of justice to dismiss plaintiff case with prejudice, on October 3, 2006.

58TH CLAIM

Defendant, Seattle police officer James Lee, in his official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause harm to plaintiff without probable cause, by unlawfully stopping and detaining plaintiff on March 10, 2005, by excessive use of force of assault and battery as plaintiff, walked alongside his cousin Lonnie Lee McClure, with their hands in their coat pockets. Defendant, Lee, ordered plaintiff to remove his hands from his pockets and plaintiff, refused stating defendant Lee, did not have probable cause to stop him or order plaintiff to lawfully comply.

59TH CLAIM

Defendant, Seattle police officer, James Lee, in his official and individual capacity, acting under color of state law, did violate plaintiff's 4th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause harm to plaintiff by inflicting pain and suffering, by emotional trauma, oppression of being racially profiled, and the long term effects of physical symptoms relating to plaintiff's reproductive internal organs, in which plaintiff was regularly being treated by a primary care physician at Harborview Medical Center. Plaintiff, underwent numerous medical exams and tests relating to his

penis and testicals, for perinneal discomfort. Plaintiff was examined and diagnosed as not being able to father children in the future as a result of his injuries. Plaintiff, at the time of his unlawful assault and battery was age 35, and without having fathered and children. Plaintiff, as a result of defendant Lee and co-defendant Tietjen's, assault was regularly being treated at Seattle mental Health, for post traumatic stress.

60TH CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law did violate plaintiffs, 1st, 4th, 9th, 10th, fourteenth Amendment rights, by unlawfully and without probable cause. Did aid and assist co-defendants Tietjen, and Lee on March 10, 2005, to have stopped, detained, arrested and falsely imprisoned plaintiff, first inside the Seattle police precinct holding cell and second booked Mr. Lewis into the King County correctional facility, under a 72 hour investigation of violation of a uniformed controlled substance Act.

61ST CLAIM

Defendant, Seattle police officer, Kerry Zieger in his official and individual capacity acting under color of state law, did violate plaintiffs, 1st, 4th, 9th, 10th, 14th Amendment rights, by depriving plaintiff the right to have peaceably continued walking alongside his cousin Lonnie Lee McClure, with their hands seperately in their individual pockets on a Seattle city public side walk, before officers, Zieger, Tietjen and Lee, used excessive force by assault and battery, to engage in unlawful conduct to intentionally, stop, detain and search plaintiff and his cousin Lonnie Lee McClure, by forcibly removing their hands from inside their coat jacket pockets, and unlawfully arrest them both.

62ND CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 8th, 9th, 10th, 14th Amend. rights, by engaging in unlawful conduct to intentionally deprive plaintiff the right to exercise his freedom of speech to Seattle Police Officer(s) Zieger and co-defendants, Tietjen and Lee, that they did not have probable cause to stop, detain or order plaintiff to remove his hands from his pockets.

63RD CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law, did violate plaintiff's 1st, 4th, 5th, 8th, 9th, 10th, 14th Amendment rights, by defendant Zieger's willful failure to have protected plaintiff's from an unwarranted search and seizure, and assault and battery, by co-defendant's Tietjen and Lee. Defendant Zieger, just stood aside and watched the assault and battery take place against plaintiff without regard to have performed his assigned duty as a sworn officer of the city of Seattle Police Department, to have served and protected plaintiff's constitutional rights, from having been a victim of a crime of assault and battery by officer(s) Tietjen and Lee on March 10, 2005.

64TH CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of law, did violate plaintiff's 2nd, 4th, 8th, 9th, 10th, 14th Amendment rights. Defendant, Zieger, deprived plaintiff, immediate medical attention, after he stepped in to personally handcuff plaintiff. As a result plaintiff, while at the Seattle police precinct, handcuffed in a glass observation cell had a seizure, and fell to the floor. Seattle Police officers gather around together laughing and mocking plaintiff and refused to help him. Eventually the Fire Department and

ambulance arrived and advised the Seattle police department take plaintiff to the hospital.

65TH CLAIM

Defendant Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law did violate plaintiffs 4th, 5th, 8th, 9th, 10th and 14th Amendment rights, for failing to have prevented plaintiff from pain and suffering related to plaintiff injuries of having been treated at Harborview medical center on March 10, 2005, for injuries caused by co-defendant, Tietjen, having punched Mr Lewis, in the head, which caused bruising under his eye, and to his head, and by tackling plaintiff down to the public sidewalk and placed both his hands around plaintiff neck and began to choke him, while ordering plaintiff to remove his hands from his pockets.

66TH CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law, did violate plaintiffs 1st, 4th, 8th, 9th, 10th, 14th Amend. Amendment rights, for failing to prevent pain and suffering related to plaintiffs injuries of having been treated at Harborview medical center on March 10, 2005, for injuries caused by co-defendant(s) Lee, having punched plaintiff twice in the penis and testicles while plaintiff lay on his back spread eagled due to co-defendant Tietjen, initiated assault and battery, by punching plaintiff in the head and tackling plaintiff down to the ground.

67TH CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official capacity acting under color of state law did violate plaintiffs 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. Did engage in unlawful conduct intentionally designed to cause harm to plaintiff, by willful failure to have written a witness incident report detailing having detained plaintiffs.

cousin Lonnie Lee McClure, on March 10, 2005, while watching plaintiff, be unlawfully assaulted and battered by co-defendants, Tietjen and Lee.

68TH CLAIM

Defendant, Seattle police officer, Kerry Zieger, in his official and individual capacity did violate plaintiffs 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By unlawfully engaging in malicious prosecution, designed to cause harm to plaintiff by way of wrongful conviction based on false incident reports. Determining probable cause to arrest plaintiff on March 10, 2005.

69TH CLAIM

Defendant Seattle police officer, Kerry Zieger in his official and individual capacity did violate plaintiffs, 4th, 5th, 8th, 9th, 10th, 14th Amendment rights. When defendant, Zieger, misleading incident report on March 10, 2005, was unlawfully and intentionally used to force plaintiff to appear at trial on 12-5-05 and be a witness against himself, against defendant Ziegers, misleading assertions, plaintiff was engaged in a drug transaction, and as a result of defendant Ziegers, misleading testimony plaintiff was found guilty.

70TH CLAIM

Defendant Seattle police officer, Kerry Zieger in his official and individual capacity acting under color of state law did violate plaintiffs 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause injury to plaintiff receiving a fair and impartial trial, which resulted plaintiff receiving a mistrial on April 28, 2006 due to newly discovered evidence of an unlawful assault and battery and witness

incident reports that defendant Zieger deprived plaintiff due process, during the indictment of information against plaintiff at the period of investigation and at plaintiff's trial, which as a result plaintiff was unlawfully and without probable cause found guilty on December 5, 2005, based on defendant Zieger's unlawful testimony and incident report of having observed plaintiff engaged in a drug transaction, that the trial court based its facts and conclusions to convict plaintiff.

71ST CLAIM

Defendant, Seattle police officer Kerry Zieger, in his official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. By engaging in unlawful conduct intentionally designed to unlawfully indict and subject harm to formally charge plaintiff to be re-summoned on May 12, 2005, in person for the same offense after having received a mistrial, to be twice put in jeopardy of life and liberty, without probable cause based under the same cause No. 05-1-09086-0 SEA.

72ND CLAIM

Defendant Seattle police officer, Kerry Zieger, in his official and individual capacity acting under color of state law did violate plaintiff's 1st, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendment rights. Being a party to engaging in unlawful conduct intentionally designed to cause harm to plaintiff having been found guilty at trial on 12-5-05, which resulted in a mistrial on 4-28-06, and plaintiff being re-filed on 5-12-06, and finally the court in the interest of justice on 10-3-06, dismissed plaintiff's criminal case under cause No. 05-1-09086-0 SEA, with prejudice. Finding that defendants, Kerry Zieger, Micheal Tietjen and James Lee, did not lawfully have probable cause to stop detain, search, seize, arrest, assault and battery, and

imprisoned plaintiff. Based on a March 10, 2005 incident.

73RD CLAIM

Defendant, Seattle police officer Micheal Tietjen in his official and individual capacity acting under the color of state law, did violate plaintiffs 4th, 5th, 6th, 8th, 9th, 10th, and 14th Amendment rights. By engaging in unlawful conduct intentionally designed to cause harm by malicious prosecution, depriving plaintiff due process of compulsory process of obtaining witnesses in his favor by failing to have recorded in his incident report dated 3-10-05, having also stopped, detained, arrested and released plaintiff's cousin Lonnie Lee McClure who was a witness to plaintiff unlawful search and seizure and assault and battery.

74TH CLAIM

Defendant Seattle police officer Micheal Tietjen in his official and individual capacity acting under the color of state law, did violate plaintiffs 1st, 4th, 5th, 6th, 8th, 9th, 10th, and 14th Amendment rights.

By failing to have recorded in his incident report on 3-10-05, having used excessive use of force against plaintiff by punching him in the head and tackling him down to the public side walk, and while plaintiff lay spread eagle on his back, officer Tietjen, placed both his back, officer Tietjen, placed both his hands around plaintiff's neck and began to choke plaintiff into submission, while ordering plaintiff to remove his hands from his coat pocket without probable cause.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Wherefore, the plaintiff prays for relief in an amount to be established at trial including: a. Economic damages to plaintiff against the defendants jointly and severally; b. NON-economic damages to plaintiff against the defendants jointly and severally; c. Reasonable attorney's fee and cost to the plaintiff under 42 U.S.C. § 1983; d. cost of this action to the plaintiff under Federal rules; e. Punitive damages; and f. such other relief as this court may deem equitable, in the amount of plaintiff's demand for \$ Ten million Dollars jointly and severally

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14th day of JANUARY, 2008.

Anthony Eugene Lewis
(Signature of Plaintiff)

AFFIDAVIT**STATE OF WASHINGTON**)

) ss:

COUNTY OF WAILA WAILA

I, ANTHONY EUGENE LEWIS, declare under penalty of perjury that the following statements within this affidavit are true and correct to the best of my knowledge and has been executed on this _____ day of _____, 2_____, at WASHINGTON STATE PENITENTIARY 1313 N 13TH AVE
WAILA WAILA, WA, 99362
 in the County of WAILA WAILA, WASHINGTON.

On 3-10-05, at 2:50 AM, I and my cousin Lonnie Lee McClure, were both walking on a public sidewalk near Belltown neighborhood, for the purpose of going to buy a soda pop at 7-11 convenience store. It was cold that morning, so both I and my cousin had our hands inside our coat pockets in order to stay warm.

A Seattle police van headed in our direction slowed down, and as the police van passed the three officer(s) inside Micheal Tietjen, James Lee and Kerry Zieger stared at I and my cousin intently as we continued walking. At no time did I and my cousin Lonnie Lee McClure, disturb the peace and dignity of the city of Seattle, or make any threatening gestures towards the Seattle police officer(s) inside the van, as they drove past.

I and my cousin continued to walk and never stopped or engaged in conversation with any person. My cousin noticed the same Seattle police van headed in our direction again and stated to me "There, go the same police van".

My cousin was fearful of the police following us for no reason and racially profiling us. So I told him not to worry about the police because they did not have probable

(1)

Anthony E Lewis

*white out put on here
 by Anthony Lewis
 prior to notary
 work*

Probable cause to fuck with us. I and my cousin are both African American. The police van was directly beside us, as I reassured my cousin of our constitutional rights to freely walk down a public sidewalk and not be racially profiled or harassed by the Seattle police because I and my cousin are African American. The police van slowed to a stop along side us, and an officer in the front passenger seat yelled out his window and stated to I and my cousin to "get your hands out of your pockets!" While still walking with my hands inside my pockets, I looked at the officer(s) who were now exiting their police van and stated "You dont have any probable cause to tell me and my cousin to take our hands out of our pockets" and I continued walking. I told my cousin to continue walking. However, my cousin being fearful of the police, intimidation, stopped walking and removed his hands from his pocket. I continued to walk a few feet until an officer ordered me again to stop and remove my hands from my pockets.

I stopped and turned towards the three officer(s) and stated "You dont have any probable cause to stop us and order us to remove our hands from our pockets!" At that moment officer Micheal Tietjen, ran forward and punched me in the head and tackled me down to the ground. As I lay struggling under officer Tietjen, and protesting why he was doing this to me without probable cause, officer Tietjen, placed both his hands around my neck and began to choke me, while ordering me to take my hands out of my pockets.

At that moment officer James Lee, assisted officer Tietjen and officer Lee, tried forcibly pulling my hands free from my pockets, as I lay struggling on my back, being choked by officer Tietjen, and protesting my rights. Officer James Lee, spread apart my legs and began punching me in my penis and testicles, while ordering me to remove my hands from my pockets. Officer Kerry Zieger, was detaining my cousin Lonnie Lee McClure, and watching my assault and battery by officer(s) Tietjen and Lee. I was choked into unconsciousness by officer Tietjen, and officer Lee's, punching me in my penis and testicles. I no longer had any strength, which allowed officer Lee, to forcibly remove my hands from my pockets and forcibly pried open my fingers by bending them in the process.

to discover I was in possession of drugs. I was handcuffed by Officer Lee. At that moment in time my cousin Lonnie Lee McClure, who was being detained by officer Kerry Zieger, stated "What the fuck, we cant walk to the store and buy a fucken pop!?"

Officer Tietjen, hearing this rushed towards my cousin and began roughing him up, while officer Zieger, stepped in to aid and assist ~~officer~~ Lee, secure arresting me.

I and my cousin were both arrested and placed in two seperate vehicles, and transported to the seattle police station. While, I was handcuffed in the back of the police van on my way to the police station, I stated to the two officer(s) driving and riding passenger, that they had no probable cause to stop me and beat me up and I needed to go to the hospital and I wanted to speak with their Sgt.

The officer(s) started laughing and I was told by the officer in the passenger seat to shut the fuck up, I was not a jail house lawyer and the only way I was not going to jail is if I died! I emmediately repeated what I stated to the officer(s) and was told to shut the fuck up, I was not a jail house lawyer and the only way I was not going to jail is if I died! I was taken to the precinct and placed handcuffed behind my back in an observation tank without being provided medical attention for my injuries. I was on the floor in pain in my position while handcuffed and after what seemed to be minutes, I felt I was about to black out, until a door popped open at that exact moment a Sgt. came walking out with a camera in hand. Evidently I was being observed behind glass that was reflective. The Sgt. came to the door and stated "was it true I was assaulted by his officer(s). I stated "yes I was unlawfully stopped and detained without probable cause and assaulted because I would not remove my hands from my pockets, and that I needed to go to the hospital." The Sgt. stated I first would have to stand and allow him to take pictures then

I would be taken to the hospital. I was unable to stand and had a seizure and fell to the floor.

Seattle police officer(s) gathered around me and began laughing and mocking me stating "What was I doing, it wasn't going to work and refused to help me.

Eventually the Fire Dept and ambulance arrived and advised the Seattle Police Dept. to take me to the hospital emergency, where I was treated for injuries related to my penis and testicles and bruising under and above my eye and pain to my wrist. I was treated by doctor Sumi Chandra. At the time of my seizure at the Seattle Police precinct my cousin Lonnie Lee McClure was being held in a holding cell and observed me having a seizure on the floor. After, being treated at Harborview medical center, I was escorted by officer(s) Micheal Tietjen and James Lee, and booked into King County Jail, under investigation for violation of a uniformed controlled substance Act. 72 hours later I was released pending the filing of formal charges. Upon my release from jail I continued to be treated for my injuries related to having been assaulted and battered. I was diagnosed with having suffered perineal injuries due to having been punched in my penis and testicles, and was informed by Doctor Gary Goldbaum, I would not be likely to father children in the future. I state at the time of my assault I was without having fathered any children and I currently do not have any children. I also was regularly being treated at Seattle Mental Health, for post traumatic stress syndrome, due to assault and battery by the Seattle police, which cause me paranoia and fear.

On or about Oct of 05, I was summoned to appear in King County Superior Court, to be formally arraigned under cause # 05-1-0896-0 SEA, for violation of uniform controlled substance Act committed on 3/10/05. Seattle Police Officer Micheal Tietjen, filed a misleading Determination for Probable Cause to arrest me on 3-10-05, asserting he and fellow officer(s) James Lee and Kerry Zieger, observed me engaged in a drug transaction. Officer Tietjen, reason for this misleading act was for the purpose of justifying my unlawful assault and battery, illegal search and seizure and racial profiling without having lawful probable cause to initiate making an order for I and my cousin Lonnie Lee McClure, to remove our hands from our pockets for no reason.

Officer Tietjen, further, failed to have recorded and included having stopped and detained and arrested my cousin Lonnie Lee McClure, at the scene, who was also a witness to my assault and battery, and who could testify I and him were not engaged in any drug transaction as Officer(s) Tietjen, Lee and Zieger, asserted I alone had been. This was done by officer(s) Tietjen, Lee and Zieger, for the purpose to cause harm to me by a criminal prosecution ending with me being convicted and sentenced to the Department of Correction. On 12-5-05, I stood trial, and all three officer(s) under oath testified to their police report being true and correct.

I testified, I was not engaged in any drug transaction as the police officer(s) falsely asserted and stated I and my cousin Lonnie Lee McClure, had been racially profiled, and unlawfully stopped and detained, and I unlawfully assaulted for refusing an order to remove my hands from my pockets.

I produced my medical records to the fact of having been treated at Harborview medical center related to my injuries on 3-10-05, by the Seattle police Dept. Officer(s) Tietjen and Lee. Officer Lee, was re-called on direct examination by the King County prosecuting office Attorney Gabrielle Dickerman, Officer Lee, was questioned to the fact of whether or not I was assaulted by being punched or hit or kicked in the penis or testicles by any prior to me arrested. Officer Lee, is recorded under oath on record stating "No!" Officer Lee, was asked a second time the same question and gave the same answer "No!"

Based on the officer(s) evidence testimony, I was found guilty. On 12-6-07, a day after I was found guilty Officer Lee, contacted the prosecuting Attorney's office at 10:50 AM and stated to prosecuting Attorney Gabrielle Dickerman, He had committed perjury while testifying under oath at my trial and admitted to Mrs Dickerman, that he had reviewed a use of force report detailing the fact he did punch Mr Lewis, in the pelvic area of his body. On 4-28-06, I received a mistrial, based on newly discovered evidence, along with the prosecuting attorney's letter to the court and my trial Attorney stating Officer Lee's, admission to perjury dated 12/6/06.

Also among newly discovered evidence, was a signed declaration by my aunt Dorothy M. McClure, who is Connie Lee McClure's biological mother, who, provided a declaration, of Connie arriving home to her house at 5:00 am, after having been released from the police station. Mr. McClure, was shaking and crying and explained to her how he and his cousin Anthony Lewis, were being followed by the Seattle police

and were forced to stop and the police made Anthony removed his hands from his pocket's for no reason. Mr. McClure also showed his mother the red marks on his wrist where the handcuffs had been. With this newly discovered evidence the King County prosecuting attorney's office after careful review and in the interest of justice ^{should have} dismissed my case.

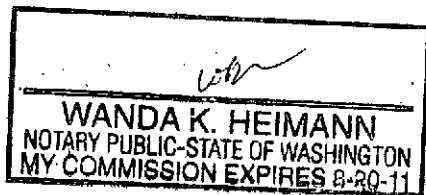
However, on May 12, 2006, the King County prosecuting attorney's office re-arraigned me in King County Superior Court under the same cause # 05-1-0896-0 SEA, for violation of Uniformed Controlled Substance Act, based on the 3-10-05, incident.

I was again to be tried twice for the same charge under the misleading assertions of the Seattle Police Dept. Officer(s) Tietjen, Lee and Zieger. On or about Oct. 3, 2006 my case was dismissed ^{with Prejudice} in King County Superior Court, for a lack of probable cause to have arrested me on 3-10-05.

However, even though the court ordered my case dismissed without prejudice based on the Seattle Police Officer(s) lack of probable cause to arrest. The court based its ruling of fact & finding for conclusion, under false assertions, from Seattle Police Officer Micheal Tietjen's, Determination for Probable cause to Arrest, unlawfully declared under penalty of perjury under the laws of the STATE OF WASHINGTON (RCW 9A.72.085)

Anthony E. Lewis
(Affiant's Name) Anthony E. LEWIS #986577

Subscribed and Sworn to before me this 10th day of March,
2008



Wanda K. Heimann
Notary Public in and for the
State of Washington,
Residing in Walla Walla, WA
My commission expires 8/20/08

FILED
LODGED
RECEIVED

MAIL

APR 02 2008

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

NO. C07-1517-MJP-JPD

AFFIDAVIT OF SERVICE
BY MAILING

ANTHONY EUGENE LEWIS)
Plaintiff)
Vs)
CITY OF SEATTLE)

SEATTLE POLICE DEPT. et al

I, ANTHONY EUGENE LEWIS, being first sworn upon oath, do hereby certify that I have served the following documents: Plaintiff, Amended complaint, and letter and Affidavit to the clerk, to process plaintiffs' 42 U.S.C. § 1983 Civil Rights complaint without having provided the required number of copies in order to serve each name defendant. Due to having been denied access to legal/photocopying service by the Department of Correction - Washington State Penitentiary.

Upon:

CLERK, United States District Court
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
700 STEWART STREET
SEATTLE, WA, 98101

By placing same in the United States mail at:

WASHINGTON STATE PENITENTIARY
1313 NORTH 13TH AVENUE
WALLA WALLA, WA. 99362

On this 31ST day of MARCH, 2008.

Anthony E. Lewis #986577
Name & Number

Affidavit pursuant to 28 U.S.C. 1746, Dickerson v. Wainwright 626 F.2d 1184 (1980); Affidavit sworn as true and correct under penalty of perjury and has full force of law and does not have to be verified by Notary Public.

ANTHONY E. LEWIS #986577(R-CI-02)
WASHINGTON STATE PENITENTIARY
1313 N. 13TH AVE
WALLA WALLA, WA, 99362

FILED
LOGGED
RECEIVED

MAIL

APR 02 2008

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

MARCH 27, 2008

Clerk Bruce Rifkin
UNITED STATES DISTRICT COURT
UNITED STATES COURTHOUSE, LOBBY LEVEL
700 STEWART STREET
SEATTLE, WA, 98101

RE: PROCESSING OF AMENDED COMPLAINT BY THE COURT AND TO SERVE
ALL DEFENDANT(S)

Dear Mr. Rifkin,

Plaintiff, has respectfully submitted his Amended complaint without having provided the court with the required number of copies in accordance with Rule 4 of the Federal Rules of Civil Procedure, due to the Department of Correction, Washington State Penitentiary, willful failure to deny plaintiff photocopy service, in order to access the courts under D.O.C. Policy 590.500. Plaintiff, respectfully request the court to serve a copy of the complaint on each named defendant and further request the clerk to forward this note apart of plaintiff's motion and order filed with this court to be heard on April 11, 2008,

THANK YOU

PS

Could you please provide me with a copy of my complaint because I do not have one due to providing you this original. I also respectfully request a copy of every document I have filed with this court because I have been denied access to legal photocopying.

Sincerely and Respectfully

Anthony E. Lewis

AFFIDAVITFILED
LODGED
RECEIVED

MAIL

STATE OF WASHINGTON

APR 02 2008

COUNTY OF WALLA WALLA

) ss:

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

I, ANTHONY E. LEWIS, declare under penalty of perjury that the following statements within this affidavit are true and correct to the best of my knowledge and has been executed on this 27th day of MARCH, 2008, at

WASHINGTON STATE PENITENTIARY 1313 N. 13TH AVE, WALLA WALLA, WA, 99362

in the County of Walla Walla, Washington: ON 3-27-08, I was interviewed by Unit manager RON Jensen, in RAINIER UNIT housing. Mr. Jensen, had me bring him my Amended 42 U.S.C. §1983 civil rights complaint under case number CO7-1517-MJP-JPD. Mr Jensen, overlooked my Amended Complaint and then reviewed D.O.C. Policy 590.500, and stated to me that my civil rights action was not a current conviction.

I stated to Mr. Jensen, that my complaint on it's face is an active civil rights Action, and no where under D.O.C policy 590.500 states, I shall be denied access to the courts, unrelated to my current conviction, or civil rights violation while incarcerated. Mr. Jensen, stated to me that I expected D.O.C to make an exception for me and allow me photocopies, and suggested, I send the courts my Amended complaint as is without having provided me the required number of photocopies in order to serve the court and parties defendant to my complaint.

And state to the court my reason.

(NO NATARY PUBLIC WAS AVAILABLE DUE TO THE UNAVAILABILITY OF STAFF TO WORK AT THE LAW LIBRARY ON THURSDAY AND FRIDAYS.)

Anthony E. Lewis #986577
(Affiant's Name) ANTHONY E. LEWIS #986577

Subscribed and Sworn to before me this _____ day of _____,

Notary Public in and for the
State of Washington.
Residing in Walla Walla, WA
My commission expires ____.

ANTHONY E. LEWIS #986577 (R=C1-02)
WASHINGTON STATE PENITENTIARY
313 N. 13 TH AVE
WAHIA WAHIA WA, 99362

CLERK OF THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF
AT SEATTLE
700 STEWART
SEATTLE, WA, 98101

THIS WAS MAILED BY AN INMATE CONFINED AT
THE DEPARTMENT OF CORRECTIONS
THIS FACILITY HAS CONTENTS MAY
BE CENSORED